United Nations S/PV.6308

Security Council

Sixty-fifth year

Provisional

6308th meeting

Wednesday, 5 May 2010, 3 p.m.

New York

President:	Mr. Salam	(Lebanon)
Members:	Austria	Mr. Ebner
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Long Zhou
	France	Mr. Bonne
	Gabon	Mr. Moungara Moussotsi
	Japan	Mr. Takasu
	Mexico	Mr. Heller
	Nigeria	Mr. Edokpa
	Russian Federation	Ms. Eloeva
	Turkey	Mr. Gümrükçü
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Anderson

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/214)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-34793 (E)

Please recycle

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/214)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Nepal, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Karin Landgren, Representative of the Secretary-General and head of the United Nations Mission in Nepal.

There being no objection, it is so decided.

I invite Ms. Landgren to take the seat reserved for her at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2010/214, which contains the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process. Members of the Council also have before them a letter dated 5 May 2010 from the Secretary-General transmitting a letter of the same date from the Permanent Representative of Nepal to the United Nations, which will be issued as a document of the Security Council under the symbol S/2010/229.

At this meeting, the Council will hear a briefing by Ms. Karin Landgren, to whom I give the floor.

Ms. Landgren: Nepal's peace process is at a delicate and critical moment, as negotiators work to resolve the current stand-off between Maoist supporters and the Government, primarily over Maoist demands for a national unity Government. As the general strike in Nepal enters its fifth day, negotiations among the major parties are dealing squarely with the major and contentious governance and other peace process issues that have long been side-stepped, including critical constitutional questions concerning Nepal's proposed federal structure and form of governance and the integration and rehabilitation of Maoist army personnel.

Soon after the 2008 election, the Interim Constitution, which emphasized the importance of governing through consensus, was amended to permit an opposition, eliminating a vital element in managing Nepal's post-conflict transition. For much of the past year, the major parties have identified the establishment of a consensus Government as the path to greater confidence, and thereby to the conclusion of the peace process.

As part of a possible package agreement, the parties are also discussing a handful of other long-standing issues, including ending the paramilitary function and activities of the Maoist Young Communist League and the return by the Maoists of all seized property, both of which were addressed by earlier agreements but never implemented. Extending the imminent deadline of the Constituent Assembly is also under discussion. All the elements of a solution to this impasse are acknowledged by the major parties. The main stumbling blocks in the negotiations are, reportedly, the timing and leadership of a proposed new national unity Government and the modalities for the integration and rehabilitation of Maoist army personnel. If crisis is averted through a deal in the coming days, it will be vital to put in place effective machinery for its monitoring and oversight.

The United Nations Mission in Nepal (UNMIN) has long warned of the dangerous slide in the peace process. The process remains marked by profound

mutual mistrust, with majority Governments having reinforced the divisions between the Maoist and non-Maoist parties for nearly two years. In that polarized climate, the Maoists — the largest political party — have remained in opposition for the past year. Other parties have challenged the Maoists' commitment to multiparty democracy and the rule of law and have called on them to abandon recourse to violence. The Maoists, for their part, have expressed doubts about the commitment of other major parties to the socio-political changes foreseen by the peace agreements, to the new constitution and to the fresh elections that would follow. Several other current risks to the peace process are touched on in the report before the Council (S/2010/214), including the looming deadline for the promulgation of a new constitution.

Tensions have worsened since my last report to the Council in January (see S/PV.6260). Since early March, clashes among political parties, especially their youth wings, have increased. Localities began reporting renewed extortion or forced donations by the Unified Communist Party of Nepal-Maoist (UCPN-M), calling to mind wartime practices. According to reliable reports, Maoist cadres were told to prepare for revolt. Meanwhile, the Defence Ministry announced that fresh recruitment to the Nepal Army would begin, in breach of the peace agreements. Overt challenges have grown to the federal, secular and republican basis of the Interim Constitution. Madheshi leaders have expressed deep frustration at their sense of exclusion from the centre of policymaking and from the high-level political mechanism. The security situation in the Terai remains a concern, and across the country chief district officers feel increasingly beleaguered.

Those events, combined with the lack of decisive progress on the constitution and on the integration and rehabilitation of Maoist army personnel, have stoked public unease over a possible return to open conflict or of an autocratic pre-emption of Nepal's democratic transition. The death of Nepali Congress President Girija Prasad Koirala has prompted a tripartite leadership struggle within the party. Along with continued deep factionalism within the Communist Party of Nepal (Unified Marxist-Leninist) (UML), has exacerbated the political stalemate.

Last July, G. P. Koirala proposed the establishment of the high-level political mechanism to break that stalemate. The initiative itself became the subject of numerous preconditions, but the mechanism was finally established in January and met a few times before Mr Koirala's death on 20 March. The high-level political mechanism was a step towards addressing one of the long-term deficits of the peace process, namely, the weak architecture of negotiation, consultation and monitoring of the implementation of past agreements. But it may turn out to have been too little and too late. In recent days, the Government and the Maoists have accused one another of actual or imminent breaches of the Comprehensive Peace Agreement, a reminder that no overall monitoring mechanism exists.

The Maoists brought large numbers of supporters to Kathmandu for May Day, followed by an indefinite general strike, from 2 May, calling on the Government of Madhav Kumar Nepal to step down and pave the way for a Government of national unity. The Prime Minister has rejected calls for his immediate resignation, but has said that he will not be an obstacle if an understanding is reached among the parties.

UNMIN has warned of the grave risks to the peace process should the stand-off persist. The Government has said that the Nepal Army will intervene if the Maoist protest should turn violent, and has placed the national security forces on high alert. The Maoists have insisted that their protest will remain peaceful. However, one member of the Maoist army was found in possession of a hand grenade while travelling on a public bus, a reckless act which UNMIN immediately condemned; and Maoist supporters were arrested in Kathmandu with five homemade socket bombs. Ingredients used in the manufacture of improvised explosive devices were reportedly seized from a Kathmandu hotel.

By the conclusion of the fourth day of the general strike, several clashes had occurred between Maoists and local residents in different localities, and there are reports that counter-campaigns may be organized, which can be expected to exacerbate tensions. Economic losses from the strike are significant. Party workers have started to suffer from waterborne diseases, and temperatures are high in Kathmandu and the Terai. The UCPN-M has reportedly seized a few Nepal Army officers in civilian dress and handed them over to the security forces while publicly accusing them of spying.

The overall level of control and restraint shown by the Government and the Maoists is commendable. All the same, the risks grow from one day to the next. This situation should not be allowed to continue, and

all encouragement is needed for both sides to deepen their discussion, come to agreement and resolve the crisis speedily.

In 10 days, UNMIN will conclude its current mandate, extended at the requested of the Government of Nepal in January on the basis that the Mission's remaining activities would be completed at least two weeks before 28 May, the date on which Nepal's new constitution was to be promulgated, according to the Interim Constitution.

Although the drafting of a new federal constitution was the primary task of the Constituent Assembly, the parties have not agreed on either the appropriate federal structure for Nepal or the future form of Government. In mid-April, the leaders of the governing coalition parties — the Nepali Congress and the Communist Party of Nepal (Unified Marxist-Leninist) — said that the constitution could not be drafted by the deadline. In response to widespread alarm over a political vacuum being created on 29 May, the Speaker of the Constituent Assembly, Subas Nembang, recently advised that there is no legal or constitutional impediment to extending the tenure of the Constituent Assembly, as all provisions of the Interim Constitution can be amended except those on Nepal's republican and federal nature. Extending the term of the Constituent Assembly is among the issues now under negotiation.

Also under negotiation is how to resolve the future of nearly 20,000 Maoist army personnel, which lies at the heart of the peace process. Under the peace agreements, they are to be integrated into the security forces or rehabilitated. The question of how many might be integrated has only recently become the subject of open discussion and negotiation among the parties.

At the initial stages, the Government proposed that 3,000, or some 15 per cent of the verified total Maoist army personnel, be brought into the country's security forces, while the UCPN-M asserted that all their members should be accommodated. The Technical Committee has undertaken some planning for rehabilitation packages, including a cash component, for the remainder. Since March, however, the Maoist members have not taken part in meetings of the Special Committee. Negotiators in the present impasse report that the Nepali Congress and UML are pressing for an agreement on the numbers to be integrated, while UCPN-M wishes first to agree on the modalities for integration.

The former Maoist combatants urgently need solutions, as individuals and as a key to the peace process of Nepal. As the recent experience of discharging the disqualified personnel shows on a far smaller scale, the integration and rehabilitation of the larger number of verified personnel requires a carefully planned and managed process, with details worked out well in advance of implementation. Poorly-executed social rehabilitation or an excessive reliance on cash packages can sow the seeds of future problems. Earlier in the year, Nepali commentators voiced concern at the discharge of disqualified personnel with training and educational possibilities that are strictly optional. I urge the parties to invest adequately in the planning, design, implementation, monitoring and oversight of all phases of the integration and rehabilitation exercise, with which the United Nations remains available to assist.

Resolution 1909 (2010) of last January called on UNMIN, working with the parties, to make arrangements for its withdrawal and for the handing-over of its residual monitoring responsibilities. As the report before the Council notes, UNMIN proceeded to conduct extensive consultations with the parties, both bilaterally and jointly.

In response to our expectations of a detailed discussion of options that would permit the transfer of monitoring, the parties designated senior members familiar with the peace process and with the role of UNMIN. Five of the six participants were current or former ministers, three are members of the Special Committee on integration and rehabilitation, and three had either been part of the original peace process negotiating teams or otherwise engaged in peace initiatives. Four of the six are now part of the task force seeking to resolve the current crisis.

Between 14 March and 26 April, we engaged in some 12 hours of collective discussion during three review meetings, considering alternatives to UNMIN and the expectations the major political actors hold of the Mission. Conducting the discussions under Chatham House rules contributed to frank and productive debate. In accordance with the request of the Security Council, UNMIN proposed several options that would reduce or eliminate entirely our monitoring role, including its replacement or supplementation by a mixed military body, by a national civilian body, or by

consolidating cantonments or weapons storage containers, making clear that our suggestions were not exhaustive.

The parties conveyed unanimously that UNMIN's departure at this point in the peace process would not be beneficial. They also conveyed that alternative monitoring arrangements were not feasible. They recommended that UNMIN's role be relevant to the current state of the peace process and, in particular, that UNMIN assist the Special Committee on the planning and implementation of integration and rehabilitation. The group also asked that UNMIN be ready to facilitate other aspects of the peace process, as might be requested. Disagreement emerged over the nature of UNMIN monitoring, with some suggesting that UNMIN should no longer monitor the Nepal Army due to changed circumstances, but focus exclusively on the Maoist army, while others proposed that UNMIN monitor the integration process itself, as well as the democratization of the Nepal Army.

In successive letters requesting the extension of UNMIN's mandate, the Government of Nepal has referred to the important role played by UNMIN in providing support and facilitation within its mandate to Nepal's nationally-driven peace process. As the report now before the Council notes, the issues on which the parties expressed agreement in our consultations are also issues to which UNMIN can strengthen support within its existing mandate. There is manifest logic in linking the departure of UNMIN to the resolution of the matter of the Maoist army personnel. And, in a separate development, UNMIN recently facilitated a high-level but low-key resolution of a disagreement between the Maoists and the Government on the issue of payments to Maoist army personnel in the cantonments.

As the Council is well aware, UNMIN is set up to operate in an environment of relative confidence and relative compliance by the parties with the agreements they themselves have negotiated. The Agreement on the Monitoring of the Management of Arms and Armies, which placed restrictions on both armies and assigned to UNMIN a light monitoring role, was foreseen as a short-term arrangement. Between the April 2008 election and January 2009, the number of arms monitors was reduced from 186 to 90, and then to 73, the minimum requirement, which also presupposed that the need for UNMIN monitoring would soon come to an end.

Through the many challenges of Nepal's peace process, the Security Council has often underlined its understanding and support. The process has progressed with relative speed, notably in its early stages, but also with dramatic setbacks. It is a year today since the Council met to the news of the resignation of then-Prime Minister Prachanda, following his unsuccessful attempt to sack the Chief of Army Staff. Despite a number of fragile moments, the parties have kept the peace. It is imperative that their commitment to the Comprehensive Peace Agreement be reinforced, as there is considerable distance still to travel.

The political parties speak of the logical conclusion of the peace process in the near term as being attained when the Maoist army personnel are integrated and rehabilitated, or when the new constitution is adopted. But this process is ultimately about resolving long-term underlying causes of the conflict. Serious challenges remain, such as the exclusion of marginalized groups, the lack of basic services and adequate security for all, and the search for justice, as is particularly evident in the consistent impunity granted to Maoist and Government actors alike for past and current human rights violations.

Many Nepalese are disappointed, their expectations of the peace process still unfulfilled. There is no room in this peace process for violence, and addressing the role of armed actors is a high priority and a cornerstone of a sustained peace. The parties, too, can demonstrate greater seriousness in monitoring and being held to their prior commitments. During his visit to Nepal in March, Under-Secretary-General Lynn Pascoe warned that fully half of all peace processes fail within a decade. With the strong encouragement of all supporters of the peace process, Nepal's political parties can and must pull the process back from its present disarray and animosity.

The President (*spoke in Arabic*): I thank Ms. Landgren for her briefing.

I now give the floor to the representative of Nepal.

Mr. Acharya (Nepal): I wish to congratulate you, Sir, on your assumption of the presidency of the Council for the month of May. I extend my sincere thanks to you for providing me with this opportunity to speak before the Council.

We too have taken note of the report of the Secretary-General on the United Nations Mission in

Nepal (UNMIN) (S/2010/214), which highlights an assessment of the situation in Nepal over the past four months. Furthermore, I acknowledge the remarks just made by Ms. Karin Landgren, Representative of the Secretary-General, on the latest status of Nepal's peace process. However, I would like to stress that conflict has not returned to Nepal and that the overall situation is very much under control despite the current tensions.

The Council is aware that at the moment, we are going through a difficult time in the country, with some roadblocks in the peace process and the constitution-making exercise, coupled with the agitation caused by the opposition party. Following the past tradition of resolving mutual differences with dialogue and compromise, we are hopeful that it will be possible to bridge the differences, while keeping the long-term perspective of the peace process in mind.

Commitment to and the effective fulfilment of the Comprehensive Peace Agreement are key to movement out of the current situation. After all, it was to raise the quality of life of the people through stable, democratic and accountable governance that Nepal went through various movements and transformation processes in the past several decades. The general welfare of the greatest number of people, if not immediately all the people, is the fulcrum around which the whole process of change and progress revolves. It is on that basis that the resolution of the current situation will be found. As I speak here, substantive and serious dialogue is under way among the major political parties in order to find a reasonable compromise that we hope will substantially move forward the peace process.

The Government of Nepal is committed to making sure that we reach the logical conclusion of the peace process, with the sole objective of ensuring stability, peace and prosperity for the people of Nepal. The people of Nepal have long waited, with great hope and expectation, to resolutely move ahead towards the post-transition era.

Looking over the long term perspective, however, the nationally driven peace process of Nepal has achieved some remarkable progress since the signing of the Comprehensive Peace Agreement on 21 November 2006. The promulgation of the Interim Constitution, followed by the elections to the Constituent Assembly, and subsequently, the declaration of Nepal as the Federal Democratic Republic stand as notable achievements. Moreover, in the past several months, the successful discharge of disqualified Maoist combatants, with the help of the United Nations, has reinforced our belief that our peace process can deliver substantial progress, even though at times it moves slowly, with occasional setbacks. The fact that the process of discharging the disqualified was completed recently, within the shortest possible time once it started, also reassures us that once modalities are agreed upon, implementation of the issues in question will be expedited.

We have seen elsewhere in the world that transition from a situation of armed conflict to one of lasting peace and stability is always fraught with many uncertainties and obstacles. That is the nature of such conflict-induced transformations. We may establish peace with a great breakthrough, but for peace to be sustained, we need to address a myriad of issues that surround that undertaking.

Nepal's peace process, historic and unique as it is, is not confined solely to the signing of the Peace Agreement and elections to the Constituent Assembly. It also means writing a constitution that guarantees multiparty democracy, human rights, a federal structure and inclusive governance. It has a much broader agenda to deal with the historic transformation of Nepal's political, economic and social structure.

This transformation process is, undoubtedly, a colossal task by any measure. Taking this historic challenge as an opportunity, we have already taken some hard-hitting but specific measures to ensure inclusiveness and democratic governance. The Government and all the stakeholders in Nepal have, therefore, time and again expressed commitment to bringing the peace process to a meaningful conclusion with that broad objective.

Concerns have been expressed in different quarters as to the future course of Nepal's peace process, especially in the light of the slow progress in meeting the constitutional deadline to promulgate a new constitution for the country, which is an integral part of the peace process. I take this opportunity to assure the Council that dialogue is continuing among the major political parties on the future course of action to be followed in the post-28 May 2010 situation.

Given the seriousness of the issues involved and the commitment of the major political players to resolving the deadlock through dialogue, we are hopeful that a solution acceptable to all stakeholders in

the peace process and to the general public will be found, with a view to ensuring that Nepal's peace process reaches its logical end in a reasonable period of time, in keeping with the high hopes and aspirations of the Nepalese people.

The Government and the people of Nepal remain thankful to the United Nations for having provided a helping hand since the advent of our peace process. UNMIN has already accomplished many of the tasks set out in its original mandate by fulfilling many of the key responsibilities, including the elections to the Constituent Assembly.

There are always successes and shortcomings in a complex peace process like ours. We need to build on the positive prospects to maintain the momentum, and we are aware of that. For that reason, and also as we are at an important juncture of the peace process, the Government of Nepal has decided to seek the extension of UNMIN's mandate.

As the Government of Nepal is fully committed to pursuing the peace process with vigour and agility, with the help of all stakeholders, we are confident that we will be able to conclude the peace process with tangible progress in the days ahead. We highly value the international goodwill, support and cooperation in our peace process, including that of the Security Council.

I am hopeful that the Council will favourably consider the request of my Government for the extension of the mandate of UNMIN until 15 September 2010.

The President (*spoke in Arabic*): There are no further speakers inscribed on my list. In accordance with the understanding reached in the course of the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 3.40 p.m.